

**26650. Adulteration of canned salmon. U. S. v. 97 Cases of Canned Salmon. Decree of condemnation. Product ordered released under bond, conditioned that the decomposed portion be destroyed. (F. & D. no. 37511. Sample no. 63087-B.)**

This case involved canned salmon that was in part decomposed.

On March 31, 1936, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 97 cases of pink salmon at Superior, Wis., alleging that the article had been shipped in interstate commerce on or about August 6, 1935, by the Pacific American Fisheries, Inc., from South Bellingham, Wash., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On December 10, 1936, the Pacific American Fisheries, Inc., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered. The decree provided that the product be released under bond conditioned that the cans containing decomposed salmon be segregated and destroyed, and that the cans containing salmon which was not decomposed be labeled "Reprocessed"; or, at claimant's election, that the entire lot be destroyed.

*M. L. WILSON, Acting Secretary of Agriculture.*

**26651. Adulteration of canned tuna fish. U. S. v. Van Camp Sea Food Co., Inc. Plea of guilty. Fine, \$250. (F. & D. no. 35928. Sample nos. 11430-B, 15723-B.)**

This case involved a shipment of canned tuna fish samples of which were found to be decomposed.

On September 9, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Van Camp Sea Food Co., Inc., Terminal Island, Los Angeles, Calif., alleging shipment by said company in violation of the Food and Drugs Act on or about March 8, 1935, from the State of California into the State of Missouri of a quantity of canned tuna fish that was adulterated.

The article was labeled in part: "White Star Brand \* \* \* Packed and Guaranteed by White Star Canning Co. Los Angeles Harbor, Calif., Division of Van Camp Sea Food Co., Inc."

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On November 23, 1936, a plea of guilty was entered on behalf of the defendant and on November 30, 1936, the court imposed a fine of \$250.

*M. L. WILSON, Acting Secretary of Agriculture.*

**26652. Adulteration and misbranding of tomato paste and tomato sauce. U. S. v. 50 Cartons of Tomato Paste, et al. Default decrees of condemnation and destruction. (F. & D. nos. 36157, 36158, 36160, 36331 to 36336, incl., 36594. Sample nos. 15595-B, 16044-B, 16046-B.)**

Samples taken from these products were found to contain filth resulting from worm infestation. The tomato sauce was falsely represented to contain sweet basil; one lot of the tomato paste contained undeclared added color and was labeled to indicate that it was manufactured by a firm other than the actual manufacturer.

On August 22, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 100 cartons of tomato paste and 8 cartons and 144 cans of tomato sauce at New York, N. Y. On August 21, September 16, September 17, and November 1, 1935, libels were filed in the District of New Jersey, the Eastern District of New York, and the District of Massachusetts against 25 cartons of tomato paste, and 87 cartons and 332 cans of tomato sauce in various lots at Jersey City, Paterson, Lodi, and Bernardsville, N. J.; 8 cases and 144 cans of tomato sauce at Staten Island, N. Y.; and 250 cartons of tomato paste at Boston, Mass. The libels alleged that the articles had been shipped in interstate commerce by the Coast Fishing Co., in part on or about July 13, 1935, from Wilmington, Calif., and in part on or about September 18, 1935, from Los Angeles Harbor, Calif., and that they were

adulterated and portions thereof also were misbranded in violation of the Food and Drugs Act.

The articles were labeled variously in part: "Campania Brand Tomato Paste \* \* \* Packed by Italian Food Products Co. Inc., Long Beach, California"; "Prince Superfine Tomato Paste Concentrated Prince Macaroni Mfg. Co. Boston, Mass."; "La Famosa Brand Pure Tomato Sauce \* \* \* With Sweet Basil, Con Basilico \* \* \* Packed in California for Ossola Bros., Inc., New York—Pittsburgh."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy vegetable substances.

The tomato paste seized at Boston, Mass., was alleged to be misbranded in that the statement on the label, "Prince Macaroni Mfg. Co., Boston, Mass.", was false and misleading and tended to deceive and mislead the purchaser since it created the impression that that firm was the manufacturer, whereas the Anaheim Canning Co., Anaheim, Calif., was the manufacturer; and in that it was labeled or branded so as to deceive and mislead the purchaser, since the presence of added artificial color was not declared on the label.

The tomato sauce was alleged to be misbranded for the reason that the statement on the label, "With Sweet Basil—Con Basilico", was false and misleading and tended to deceive and mislead the purchaser when applied to a product containing no sweet basil.

On October 14, November 20, 1935, January 10, and September 28, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**26653. Adulteration of canned tomatoes. U. S. v. Raymond L. Harrison, Robert S. Harrison, James S. Harrison, and Merton G. Jarboe (Harrison & Jarboe). Plea of guilty. Fine, \$100 and costs. (F. & D. no. 36992. Sample no. 49435-B.)**

This case involved canned tomatoes that contained added water.

On September 14, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Raymond L. Harrison, Robert S. Harrison, James S. Harrison, and Merton G. Jarboe, copartners trading as Harrison & Jarboe, at Sherwood, Md., alleging shipment by said defendants on or about September 21, 1935, from Cordova, Md., into the State of Pennsylvania of a quantity of canned tomatoes that were adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Dover Brand Tomatoes \* \* \* Packed by Harrison & Jarboe, Sherwood, Md."

The article was alleged to be adulterated in that water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for tomatoes, which the article purported to be.

On November 4, 1936, the defendants were arraigned and pleaded guilty, and the court imposed a fine of \$100 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**26654. Adulteration and misbranding of preserves. U. S. v. The Velmo Co., Lionel E. Samuels, and Samuel A. Samuels. Pleas of guilty. Fines, \$100 on each count as to each of the three defendants. Payment remitted on all counts but first as to all defendants. (F. & D. no. 37031. Sample nos. 43769-B to 43775-B, incl., 44101-B to 44105-B, incl., 44120-B, 44121-B, 65862-B to 65865-B, incl.)**

These products contained less fruit and more sugar than preserves should contain. All lots contained added pectin, most lots contained excessive moisture, and some also contained added phosphate.

On October 8, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Velmo Co., a corporation, and Lionel E. Samuels and Samuel A. Samuels, officers of said corporation, of New York, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act between the approximate dates of October 14, 1935, and February 7, 1936, from the State of New York into the State of Massachusetts of quantities of strawberry and raspberry preserves which were adulterated and misbranded. Portions of the articles were labeled: "Velmo Brand Pure Preserves Strawberry [or "Raspberry"] The Velmo Company New York, N. Y." The remainder were labeled: "Golden West \* \* \* Pure Raspberry [or "Strawberry"] Preserves \* \* \* Golden West Preserve Company, San Francisco and New York."